

"All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Independent claims 16 and 24 recite (emphasis added):

16. A method for providing a human interface in a computer, the method comprising:

displaying an auto-scroll menu having a first switching icon displayed thereon;

determining whether the first switching icon is selected;

switching to a multifunctional menu from the auto-scroll menu when the first switching icon is selected, wherein the multifunctional menu has a plurality of macro instruction icons and a plurality of instruction icons displayed in a single frame;

determining which of the macro instruction icons is selected;

and

changing the instruction icons according to the selected macro instruction icon.

24. A method for providing a human interface in a computer, the method comprising:

displaying a multifunctional menu having a first switching icon, a plurality of macro instruction icons and a plurality of instruction icons displayed in a single frame;

determining which of the macro instruction icons is selected;

changing the instruction icons according to the selected macro instruction icon;

determining whether the first switching icon is selected; and

switching to an auto-scroll menu from the multifunctional menu when the first switching icon is selected.

It is respectfully submitted that the prior art utilized by the Examiner fails to teach or suggest at least the above-emphasized features of independent claims 16 and 24 of the present application.

Applicant's Admitted Prior Art

In rejecting claims 16 and 24, the Examiner asserts that, "As to claim 16, AAPA discloses...switching to a multifunctional menu from the auto-scroll menu when the first switching icon is selected (paragraph [0003]-[0004])...Claim 24 is similar in scope to claim 16 respectively, and is therefore rejected under similar rationale" (see page 4 of the Office Action). Applicant respectfully disagrees. As confirmed by paragraphs [0003]-[0004], the Applicant's Admitted Prior Art does not disclose the switching step as is expressly defined in independent claims 16 and 24 of the present application. In fact, the Applicant's Admitted Prior Art only relevantly discloses that the conventional multifunctional menu is always provided by the mouse or keyboard driver, but the auto-scroll icon, provided by Internet Explorer, will be lost after installing the mouse or keyboard driver. This is confirmed throughout the Applicant's Admitted Prior Art. For example, paragraph [0003]-[0004] of the Applicant's Admitted Prior Art states that (emphasis added):

[0003] And more, conventional multifunctional menu always is provided by driver program given by mouse or keyboard provider; when a user installs a driver program given by the mouse or keyboard provider, the functions of the functional menu provided before installing the driver program are lost after installing; for example, during execution of an Internet Explorer provided by the Microsoft company, pressing down the middle key of a mouse will show an icon of auto-scroll to provide the function of scrolling by moving the mouse, such a human interface with the original function of automatic scrolling will be **lost** by installing the driver program.

[0004] In view of the above defects to be solved pressingly of the prior art, the inventor of the present invention provides a multifunctional menu that needs only one step for operation and has a simple and tidy display frame, and that includes the original function of automatic scrolling.

Since the auto-scroll icon will be lost after installing the multifunctional menu, i.e. the

mouse or keyboard driver, it is clear that the Applicant's Admitted Prior Art does not disclose the switching step between the auto-scroll icon and the multifunctional menu. Therefore, the Applicant's Admitted Prior Art does not supply the requisite teaching upon which the Examiner relies for his rejection.

Tambata

Tambata also fails to teach or suggest the claimed feature of: "changing the instruction icons according to the selected macro instruction icon." In fact, Tambata only relevantly discloses that the character's face K is changed according to the virtual emotion generated by the emotion detecting device 2, and the icons B1-B3 are unchanged. However, independent claims 16 and 24 of the present application define that the instruction icons are changed according to the selected macro instruction icon. Therefore, it should be clear that the changing step of Tambata is totally different from that of independent claims 16 and 24.

Summary

In view of the foregoing remarks, it is respectfully submitted that the prior art utilized by the Examiner fails to teach or suggest the methods of independent claims 16 and 24 of the present application, as well as their dependent claims. Accordingly, reconsideration and withdrawal of the 35 USC 103 rejection are respectfully requested.

Conclusion

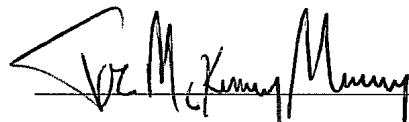
Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Joe McKinney Muncy, Applicants' Attorney, at 703.621.7140 so that such issues may be resolved as expeditiously as possible.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3828 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; in particular, extension of time fees.

Date: August 13, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe McKinney Muncy", is written over a horizontal line.

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